

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION
CRIMINAL MINUTES – SENTENCING HEARING**

Case No.: 3:18CR00025-003

Date: 7/19/2019

Defendant: Thomas Walter Gillen (Custody)

Counsel: David Eustis (CJA)

PRESENT:	JUDGE:	Norman K. Moon	TIME IN COURT: 3:35-4:15=40 MIN
	Deputy Clerk:	Heidi N. Wheeler	
	Court Reporter:	Sonia Ferris	
	U. S. Attorney:	Thomas Cullen/Chris Kavanaugh	
	USPO:	Sarah Goodwin	
	Case Agent:	Dino Cappuzzo	
	Interpreter:		

LIST OF WITNESSES

GOVERNMENT:

- 1.
- 2.
- 3.
- 4.

DEFENDANT:

1. James Thomas Gillen
- 2.
- 3.
- 4.

PROCEEDINGS:

- ☒ Court inquires as to Objection(s) to Presentence Report made by ☐ USA ☒ Deft.
☐ Court overrules Objection(s). ☒ Court grants Objection(s) Enhancement for Hate Crime will not be applied.
- ☒ Government presents evidence at Morning hearing with all defendants present.
- ☒ Defendant presents evidence .
- ☒ Court adopts Presentence Report as noted on the record.
- ☒ Defendant Motion for Downward Departure/Variance Overstated criminal history.
☐ Court grants. ☒ Court denies.
- ☒ Allocutions.

SENTENCE IMPOSED AS FOLLOWS:

CBOP: 33 months as to Count One

SR: 2 years - comply w/Standard, Mandatory & Special Conditions.
☐ Mandatory drug testing suspended.

SA: \$100.00 due immediately.

FINE: \$None

REST: \$_____

- ☒ Court recommends as follows:
☒ That Defendant be designated to Terminal Island or MDC, LA; in LA, CA or as close to his home as possible..

SPECIAL CONDITIONS OF SUPERVISION (Check applicable conditions):

- ☒ The defendant shall participate in a program of testing and treatment for substance abuse, as approved by the probation officer, until such time as the defendant has satisfied all requirements of the program.

- ☒ The defendant shall reside in a residence free of firearms, ammunition, destructive devices and dangerous weapons.
- ☒ The defendant shall submit to warrantless search and seizure of person and property as directed by the probation officer, to determine whether the defendant is in possession of firearms and illegal controlled substances.
- ☒ The defendant must submit to warrantless search and seizure of person and property by the probation officer or other law enforcement officer, whenever such officer has reasonable suspicion that the defendant is engaged in criminal activity.
- ☒ The defendant shall pay any fine, special assessment or restitution that is imposed by this judgment.
- ☒ The defendant shall not incur new credit charges or open additional lines of credit without the approval of the supervising officer.
- ☒ The defendant shall provide the probation officer with access to any requested financial information.

PAYMENT SCHEDULE:

- ☒ A lump sum payment of \$100.00 is due immediately.

ADDITIONAL RULINGS:

- ☒ Count(s) two dismissed on Government Motion.
- ☒ Defendant advised of right to appeal.
- ☒ Defendant remanded to custody.

Additional Information:

Court will deny motion for appeal bond.